

Atty. Dkt. No. 029318-0981

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cooper et al.
Title: NOVEL BENZOYL PEROXIDE COMPOSITIONS
Appl. No.: 10/677,857
Filing Date: 10/3/2003
Examiner: Thane E. Underdahl
Art Unit: 1651
Conf. No.: 4616

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of an Official Action, after the filing of a Request for Continued Examination (RCE).

RELEVANCE OF EACH DOCUMENT

Attached to the PTO/SB/08 are copies of Office Actions cited by the Examiners in related U.S. Patent Application Nos. 11/928,278, 11/928,250, 11/928,289, 10/667,470, 09/337,675, 12/870,722, 12/870,745, 12/076,247, 12/320,431, as well as references cited in Notice of Reasons for Rejection(s) for related Japanese Patent Application Nos. JP 2003-577857, the references cited in an International Search Report and/or Written Opinion from related to International Patent Application No. PCT/US2009/036965, an Office Action cited in related Canadian Patent Application No. 2,479,665, and the Decision to Grant cited in related Japanese Patent Application No. 2003-565446. All of the references cited in these documents are listed and/or attached, unless they were already cited in the present application.

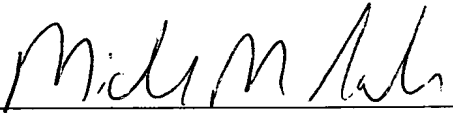
Please note that in the Canadian Office Action listed above, the U.S. equivalent to EP 0 499 299, i.e., U.S. Patent No. 5, 145,684, was already cited in the present application, so therefore, EP 0 499 299 is not listed on the attached PTO/SB/08.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this submission under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date: November 3, 2010

By 

FOLEY & LARDNER LLP
Customer Number: 31049
Telephone: (202) 672-5538
Facsimile: (202) 672-5399

Michele M. Simkin
Attorney for Applicant
Registration No. 34,717